

WASHINGTON STATE BOARD OF OPTOMETRY

Minutes of Meeting

A meeting of the Washington State Board of Optometry was called to order at 9:00, on September 20, 2002, by R. Richard Ryan, Jr., O.D., Chair. The meeting was held in the Department of Health Administrative Offices, 20435 72nd S, Second Floor, Kent Washington, Conference Room 2.

BOARD MEMBERS

PRESENT:

R. Richard Ryan, O.D., Chair
Jeffrey Sutro, O.D.
Lund Chin, O.D.
Bernice Hoptowit, Public Member
Thomas Riley, O.D.

STAFF PRESENT:

Marc Defreyn, Assistant Attorney General
Judy Haenke, Program Manager
Melissa Quirke, Administrative Assistant

OTHERS PRESENT:

Sherri Luster, LDO – Walmart Vision
Sherri Egashira, O.D. – Optometric Physicians of Washington
Diane Charles – LDO – Opticians Association of Washington

OPEN SESSION:

1. Call to Order

1.1 Approval of Agenda

The agenda was approved as written.

1.2 Approval of Minutes of June 7, 2002, Meeting

The Minutes were approved as written.

1.3 Board appointments

Thomas James Riley, O.D. was recently appointed by Governor Locke to fill the position vacated by Anup Deol, O.D. Dr. Riley practices at the VA Medical Center in Spokane. He was licensed in 1994.

R. Richard Ryan, O.D. was reappointed to a second term by Governor Locke. Dr. Ryan was initially appointed in October 1999, and is currently Board Chair.

R. Richard Ryan, O.D., displayed a plaque which the Board is presenting to Dr. Anup Deol in thanks for the six years she participated as a member of the Board. The Plaque will be sent to Dr. Deol along with a card of thanks from the Board and Board staff.

Marc Defreyn, Assistant Attorney General, was introduced. Mr. Defreyn was recently appointed as Advisory to the Board.

2. Post Graduate Education Seminar- 2003

Jeffrey Sutro, O.D. gave a report on recruitment of speakers for the March 15-16, 2003, education seminar. Confirmed speakers to date include:

- David Kairys, O.D., M.S.
- Tom Riley, O.D.
- Sandra Valez, A.R.N.P.

Dr. Sutro will follow up with other potential speakers. The seminar program will be finalized by the Board at its December 6, 2002, meeting.

Staff will finalize a survey in preparation for Board review at its December 6, 2002, meeting. The survey will be mailed to licensees in January 2003, along with the regular seminar notification. Results of the survey will be considered by the Board at its March 2003, meeting.

3. Report on Association of Regulatory Boards of Optometry (ARBO) Meeting

Lund Chin, O.D., reported on the ARBO Annual Meeting held June 23-25, 2002, in New Orleans, Louisiana. Dr. Chin represented the Board at this meeting. The Board also viewed a short video presentation prepared by the National Board of Examiners in Optometry titled "Credentialing with Credibility: 1951-2001".

4. Continuing Education Courses

The Board considered one request for approval of continuing education courses submitted for attendance at the Association for Research in Vision and Ophthalmology Annual Meeting held May 5-10, 2002. The Board determined that further review would be required prior to making a determination.

5. Case Management Teams, HPQA Policy Number D28.02

This policy, which was presented for the Board's reference, requires the use of Case Management Teams (CMT) for review and management of complaints or reports from all sources. The CMT is made up of program managers, investigators, staff attorneys and the executive director or designee.

The CMT may make a recommendation to the Board of Optometry regarding a current complaint. The Board has full disciplinary authority regarding disposition of all complaints from any and all sources.

6. Felony and Gross Misdemeanor Convictions, HPQA Policy Number D 30.01

This policy is intended to provide guidelines for determining if the nature of a felony or gross misdemeanor raises reasonable concerns that the practitioner poses a risk of harm to the public. This policy is required for secretary authority professions and is

recommended for use by boards and commissions. Following review and discussion, the Board agreed that, before adopting the policy, it would consider the position taken by other healthcare boards and commissions regarding the policy.

Marc Defreyn, AAG, will gather information from other Boards and report back at the December 6, 2002, meeting.

7. WAC 246-851-390 Practice under trade name.

At its March 15, 2002, meeting, the Board agreed that an Interpretive Statement to document and clarify the intent of this rule was needed. Because of questions raised during preparation of the Interpretive Statement process, the intent and purpose of the rule was again discussed by the Board.

Following discussion, the Board agreed that the content of the rule was covered through other existing rules and therefore, the rule was no longer relevant and should be repealed. Staff will begin the process to repeal this rule using the expedited process.

8. Legislative Update

The following bills, all in draft form, were summarized for the Board's information:

HSQA Housekeeping Bill

This bill will make minor corrections to statutes affecting the department of health, professional and facilities licensing.

Section 1: RCW 18.71.040: Changes the word "certificate" to "license" in the Medical Practice Act. The law will be less confusing, as this is the only reference to certificate. Physicians are licensed, not certified.

Section 2: RCW 18.130.040: Adds optician apprentices to the UDA. When dispensing opticians were added, apprentices were not referenced.

Section 3: RCW 70.127.020(7): Corrects statutory reference from 71.12 to 71A.12, and deletes the note stating the reference is incorrect.

Section 5: RCW 69.41.270: Repeals this duplicate law for pharmacists. The records requirement is still included in RCW 69.41.042. This will clear up confusion.

Exempting health professionals licensing rules from SBEIS and Significant Analysis requirements

The Department of Health (DOH) would like to propose a limited exemption from the analytical requirements of RCW 34.05.328, and chapter 19. 85 RCW for health professionals credentialed under chapter 18.130 RCW, the Uniform Disciplinary Act. Many professionals have complained about the effort required for the economic analysis and the length of time the rules process takes.

ELIMINATING BARRIERS TO INITIAL LICENSURE - Includes:

Nursing:

Streamline enrollment, exam, and other requirements in nursing education programs that prevent people from gaining a nursing license.

Acupuncture:

Amend the law in Washington to allow the Secretary to raise the required number of clinic hours according to national standards. Eliminate the specific number of treatments required.

Psychology: Change the Washington law to allow the Psychology Board to determine examination requirements.

Optician:

Removes the requirement that an applicant for a dispensing optician license must be a citizen of the United States or has declared his or her intention of becoming such citizen.

9. Presentation of Disciplinary Orders

Deferred to a future meeting

10. Boards, Commissions, and Committees Conference October 3, 2002

The annual meeting will be held October 3, 2002, at the CenterPoint Corporate Park in Kent. Dr. Ryan will attend as a Board representative.

11. Future Meeting Dates

The following future meeting dates were set:

March 14, 2003

June 13, 2003

September 19, 2003

December 5, 2003

12. Budget Report

The Board reviewed revenue and expenditures for the month ending July 31, 2002.

13. Other Open Session Business

Plano Lenses

The Board briefly discussed plano contact lenses and the likelihood of federal rules changes related to the status of plano lenses. This issue and possible Board response will be discussed at the December 6, 2002, meeting.

Incentive programs offered by lens manufacturers

At its December 6, 2002, meeting the Board will review and discuss guidelines prepared by the Pharmaceutical Research and Manufacturers of America regarding participation in incentive plans offered by manufacturers.

CLOSED SESSION

14. Review of Licensing Applications

No applications were reviewed.

15 Disciplinary Case Review

The following case was reviewed:

CASE #	DISPOSITION
2002-09-0001OD	Closed below threshold

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 1:30 p.m.

Respectfully submitted:

Judy Haenke

Approved:

R. Richard Ryan, O.D., Chair